

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: MATTHEW M. SMITH  
CINDY M. SMITH

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

vs.

MATTHEW M. SMITH  
CINDY M. SMITH

CASE NO: 1-18-02366-HWV

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on November 13, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney James K. Jones, Esquire, and respectfully represents the following:

1. A Plan was filed on June 5, 2018.
2. A Confirmation hearing was held and an Order was entered on September 26, 2018 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ James K. Jones, Esq.  
Id: 39031  
Attorney for Trustee  
Charles J. DeHart, III  
Standing Chapter 13 Trustee  
Ste. A, 8125 Adams Drive  
Hummelstown, PA 17036  
Ph. 717-566-6097  
Fax. 717-566-8313  
eMail: jjones@pamd13trustee.com

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**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Ronald Reagan Federal Bldg Bankruptcy Courtroom, 3rd Floor 228 Walnut Street Harrisburg, PA 17101	Date: January 9, 2019  Time: 09:35 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: November 13, 2018

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN        MATTHEW M. SMITH  
RE:      CINDY M. SMITH

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CASE NO: 1-18-02366-HWV

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on November 13, 2018, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

CHAD J. JULIUS  
UPRIGHT LAW, LLC  
8150 DERRY ST, STE A  
HARRISBURG, PA 17111-

Served electronically

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

MATTHEW M. SMITH  
CINDY M. SMITH  
336 PLEASANT DRIVE  
SELINGROVE, PA 17870

Served by 1<sup>ST</sup> class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: November 13, 2018

Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.